

REMARKS

The non-final office action of January 12, 2005 indicated in the "Detailed Action" section of the office action that claims 1-16 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,701,977. A terminal disclaimer regarding U.S. Patent No. 6,701,977 regarding the captioned patent application accompanies this response.

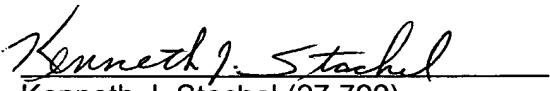
Additionally, in the Conclusion section of the office action, the following language appeared:

"The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Luehrsen reference discloses a similar tinting apparatus and method."

It is respectfully submitted that a Luehrsen reference has not been made of record for the captioned patent application and has not been cited by applicant or the Office in any information disclosure statement. The examiner is kindly requested to forward a copy of the Luehrsen reference to applicant's attorney or at least indicate the document type, title and date so applicant can obtain a copy of this document. If this statement in the office action is inaccurate, the examiner is respectfully requested to correct the statement.

Considering the terminal disclaimer submitted with this response and the foregoing comments, reconsideration and allowance of applicant's captioned patent application are respectfully requested.

Respectfully submitted,

  
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